

Remarks/Arguments

In the non-final Office Action dated May 14, 2008, it is noted that claims 1-22 are pending; that claims 1-22 stand rejected under 35 U.S.C. §102; and that an objection has been raised with respect to claim 1.

By this response, all the claims have been amended and new claims 23 and 24 have been introduced. The amendments to the claims are discussed below. No new matter has been added.

Amendments to the Claims

As noted above all the claims have been amended to delete the reference numerals included in the original claims.

Claims 1-4 have been amended to call, in part, for “at least one stream of packets.” This amendment is supported by Figure 2 and the original specification related thereto, for example, at page 10, lines 12-17.

Claims 1-5, 11-13, and 17-19 have been amended to call, in part, for “at least one wireless station.” This amendment is supported by Figures 1 and 2 and the original specification related thereto.

Claims 1, 5, 11, 17, and 22 were amended to correct an indefinite article to show proper antecedent basis for the corrected feature.

New claims 23 and 24 were added. These claims are supported by original and amended claim 1 and the specification related thereto. Claim 23 is an apparatus claim, while claim 24 is a Beauregard type claim. In view of the introduction of these claims, claim 11 was converted to a dependent claim dependent from new claim 23 and claim 17 was converted to a dependent claim dependent from new claim 24.

Claim 5 was also converted to a dependent claim dependent from claim 1.

The amendments to the claims are believed to be proper, justified, and supported by the original application. No new matter has been added.

Objection to Claim 1

In view of the amendment to Claim 1 by deleting the reference numerals therein, it is believed that the grounds for objection have been obviated. Withdrawal of this objection is respectfully requested.

Cited Art

The reference cited and applied against the claims is listed as follows: U.S. Patent Application Publication No. 2003/0133427 to Cimini et al. (hereinafter referenced as “*Cimini*”).

Rejection of Claims 1-22 under 35 U.S.C. §102

Claims 1-22 stand rejected under 35 U.S.C. §102 as being anticipated by Cimini. This rejection is respectfully traversed.

Claims 1, 23, and 24 are independent base claims. Claims 2-10 depend ultimately from claim 1 and include all the limitations thereof. Claims 11-16 depend ultimately from claim 23 and include all the limitations thereof. Claims 17-22 depend ultimately from claim 24 and include all the limitations thereof. Independent claims 1, 23, and 24 have substantially similar features cast in method, apparatus, and Beauregard forms, respectively. In view of the similarities between the claims, the remarks below will be made with respect to claim 1. It will also be understood that these remarks pertain equally to claims 23 and 24 and the claims dependent thereon.

Claims 1 calls, in part for:

setting a more fragment bit of the at least one stream of packets when there are successive packets in the at least one stream of packets; and

*transmitting the successive packets of the at least one stream of packets from the access point to the at least one wireless station **without back-off**.*

[Emphasis supplied].

Cimini appears to disclose a packet shaping technique for wireless networks in which the communications can occur at various bit rates. Cimini appears to set a maximum limit on the MAC service data unit (MDSU) size based on data rate so that the maximum transmission time for data packet transmission by each node is approximately the same. *See Cimini at paragraphs [0004] and [0023].* The MDSU can be encapsulated in a MAC frame or MAC protocol data unit (MPDU). *See Cimini at paragraphs [0027]-[0028] and Figure 3.* The MDSU can be fragmented and encapsulated in separate frame fragments as shown in Figure 11. According to Cimini at Figure 12, it is possible to transmit fragments sequentially. At paragraph [0060], Cimini appears to disclose that the fragments of a particular single MDSU are transmitted “in a single, continuous burst of frames.”

Cimini lacks any mention or suggestion of the existence of “a more fragment bit,” as defined in claim 1. At no point in his specification does Cimini even remotely suggest “setting a

more fragment bit,” as defined in claim 1, for example, there is no suggestion of conditioning any type of bit setting operation on the occurrence of successive packets from a packet stream, as defined in claim 1. Moreover, Cimini shows no recognition of “transmitting successive packets ... without backoff,” as defined in claim 1. It should be understood that the transmission of fragments is not equivalent to the transmission of packets. As a result, it is submitted that Cimini does not teach all the features in claim 1 and the claims dependent thereon, namely, claims 2-10. In view of the similarities between the limitations in claim 1 and claims 23 and 24, it is submitted that Cimini does not teach all the limitations in claims 23 and 24 and the claims dependent thereon, namely, claims 11-16 and claims 17-22, respectively.

In light of these remarks, it is believed that Cimini does not anticipate or make obvious claims 1-24. Thus, it is submitted that claims 1-24 are allowable under both 35 U.S.C. §102 and 35 U.S.C. §103.

Conclusion

In view of the foregoing, it is respectfully submitted that all the claims pending in this patent application are in condition for allowance. Reconsideration and allowance of all the claims are respectfully solicited.

In the event there are any errors with respect to the fees for this response or any other papers related to this response, the Director is hereby given permission to charge any shortages and credit any overcharges of any fees to Deposit Account No. 14-1270.

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